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<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/717,047	LESEA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Dac V. Ha	2611	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to application filed on 11/18/03.
2. ☒ The allowed claim(s) is/are 1-39, renumbered as 1-39, respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                               | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material         | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

Dac V. Ha  
 Primary Examiner  
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***Allowable Subject Matter***

1. Claims 1-39 are allowed.
2. The following is a statement of reasons for the indication of allowable subject matter:

The present invention relates to method and apparatus for measuring/testing performance of a transceiver. Prior art of record, closest references (Dietrich – US 7,028,205 and Katsman et al. – US 6,633,605), disclose recovering a clock signal from received signal and detecting data from received signal based on the recovered clock; clarity indicator is generated by integrating the detecting result (in Dietrich); or counting the error in the data on the basis of the recovered clock (in Katsman et al.) However, prior art of record, taken individually or collectively, fails to fairly teach such method and apparatus in particular, including “comparing the data detected to reference data related to the predefined data sequence; counting a number of error events resulting from the comparing over a duration encompassing a plurality of data bits of the predefined data sequence” in independent claim 1 (claims 2-19 depend therefrom); “retrieving reference data related to the predetermined test data from a second memory; comparing the words de-multiplexed from the detected receive data to respective words of the reference data; determining errors based upon the comparing; counting any errors determined” in independent claim 20 (claims 21-28 depend therefrom); and “a second memory addressable to source reference data related to the predetermined test data of the first memory; a comparator to compare data received by the receiver to reference data retrieved from the second memory; and a counter to count error events determined

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by the comparator" in independent claim 29 (claims 30-39 depend therefrom). Thus, claims 1-39 are found to be novel and unobvious over prior art of record.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Katsman et al. (US 6,633,605) discloses Pulse Code Sequence Analyzer.

Dietrich (US 7,028,205) discloses Techniques To Monitor Transition Density Of An Input Signal.

McCormack et al. (US 6,463,109) discloses Multiple Channel Adaptive Data Recovery System.

Lesea (US 6,874,107) discloses Integrated Testing Of Serializer/Deserializer In FPGA.

Hamre (US 5,481,563) discloses Jitter Measurement Using A Statiscally Locked Loop.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dac V. Ha whose telephone number is 571-272-3040.

The examiner can normally be reached on 5/4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-3086. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Dac V. Ha', with a horizontal line underneath.

Dac V. Ha  
Primary Examiner  
Art Unit 2611